

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )                                    Cr. No. 05-1849 JH  
                                  )  
                                  )  
DANA JARVIS,                )  
                                  )  
Defendant.                    )

UNITED STATES' UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO RESPOND TO DEFENDANT'S MOTION TO RECONSIDER

The United States hereby moves the Court for an extension of time to respond to defendant Dana Jarvis's ("Jarvis") "Motion for Reconsideration of the Denial of His Appeal to the District Court of the Chief Magistrate Judge's Report on Order of Designation" (Doc. 1232), and in support of its motion states:

1.     Jarvis's motion to reconsider was filed via the CM/ECF system on February 26, 2008. The motion to reconsider relates to an issue underlying Jarvis's motion to dismiss (Doc. 1076). On that same day, the Court entered an order denying Jarvis's motion to dismiss. (Doc. 1231). Jarvis filed a notice of appeal from that order on March 7, 2008. (Doc. 1238). The notice of appeal may divest the court of jurisdiction over any issues relating to the motion to dismiss, including the pending motion to reconsider.

2.     Given these circumstances, the United States requests an extension of time until March 21, 2008 to file its response to Jarvis's motion to reconsider.

3. Jarvis's counsel do not oppose this motion.

WHEREFORE, the United States respectfully requests that the Court grant an extension of time for the filing of its response to defendant Jarvis's "Motion for Reconsideration of the Denial of His Appeal to the District Court of the Chief Magistrate Judge's Report on Order of Designation" until March 21, 2008.

Respectfully submitted,

GREGORY J. FOURATT  
United States Attorney

*/s/ James R.W. Braun*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13<sup>th</sup> day of March, 2008, I filed the foregoing pleading electronically through the CM/ECF system, which is designed to cause counsel of record for the defendant to be served by electronic means.

*/s/ James R.W. Braun*

JAMES R.W. BRAUN  
Assistant U.S. Attorney